



WISCONSIN REGULATORY DIGEST

Volume 11, No. 2 **A Publication of the MEDICAL EXAMINING BOARD** **DECEMBER, 1998**

Governor Tommy Thompson Appoints New Board Members

Edwin L. Mathews, M.D. of Whitewater has been appointed as a new professional member of the Medical Examining Board by Governor Thompson to succeed Dr. Rodolfo Molina whose term expired.

Dr. Mathews received his medical degree from University of Wisconsin in 1982 and is board certified Anesthesiologist.

Dr. Mathews is in private practice at Waukesha Memorial Hospital and is a member of many professional and honorary societies.

Dr. Mathews is a Lt. Colonel in the United States Air Force Reserves Medical Corps currently assigned to the 9026 Air Reserve Squadron.

Dr. Mathews is married and he and his wife have three children.

Virginia S. Heinemann of Wausau has been appointed as a new public member of the Medical Examining Board by Governor Thompson to succeed Rebecca Dodson who resigned from the Board as she moved out of Wisconsin.

Mrs. Heinemann received her B.A. degree for Lawrence University, Appleton, Wisconsin in 1950.

Mrs. Heinemann is retired from retail management and sales. She is currently a public member of the Social Workers, Marriage and Family Therapists and Professional Counselors Board.

Mrs. Heinemann is a member and Vice-Chairperson of the North Central Wisconsin Regional Planning Commission and serves as the Chairperson of the Wisconsin Council of Regional Planning Organizations.

MEDICAL EXAMINING BOARD

Members of the Board:

W.R. Schwartz, M.D., Chair (Brookfield)
Glenn Hoberg, D.O., Vice-Chair (River Falls)
Wanda Roeber, Secretary (Slinger)
James Chambers, M.D. (Ashland)
Ronald Grossman, M.D. (Mequon)
Virginia Heinemann (Wausau)
Sidney E. Johnson, M.D. (Marshfield)
Sandra Mahkorn, M.D. (Milwaukee)
Mikki Patterson (Madison)
Edwin Mathews, M.D. (Whitewater)
Mohammed Rafiq Sethi, M.D. (Milwaukee)
Darold A. Treffert, M.D. (Fond du Lac)

Administrative Staff:

Patrick D. Braatz, Division Administrator

Executive Staff:

Marlene A. Cummings, Secretary
Patricia McCormack, Deputy Secretary
Myra Shelton, Executive Assistant

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Mrs. Heinemann is a former Trustee and President of the Marathon County Library Board of Trustees having served for 30 years.

Mrs. Heinemann is married and they have 4 children.

Legislative Update

Access to Health Care Records

Wisconsin statute 146.83 concerning access to health care records has been amended by 1997 Wis. Act 157 to require that health care providers release records directly to a patient's health care provider upon request and with a statement of informed consent. The law also prohibits concealing or withholding health care records from a patient's health care provider or to prevent or obstruct an investigation or prosecution. Violations of the statute include actual damages and exemplary damages along with injunctive relief. This Act was effective in April 1998. Copies of 1997 WI Act 157 are available from the department or via internet at <http://www.legis.state.wi.us/billtext/acts/97acts.html>.

Law Sanctions Professionals with Delinquent Support and Collection of Social Security Numbers

In April 1998, legislation was enacted which provides for suspension of credentials for failure to pay support or for failure to comply with a subpoena or warrant related to paternity or support proceedings. The determination of failure to pay support or failure to comply with a warrant or subpoena will be made by county support agencies or the Department of Workforce Development.

The Department of Workforce Development, after proper notice and provision for hearing, will certify to the Department of Regulation and Licensing that a professional who holds a credential issued by the department, or who is applying for a credential is delinquent in support or has failed to comply with a subpoena or warrant. The department then shall restrict, limit or suspend a credential or deny an application for an initial credential or for renewal of a credential. The credentials will remain restricted, limited or suspended until the department receives notification of release from the Department of Workforce Development. However, credentials shall not be sanctioned for more than five years if

instituted because of delinquency in support, or for more than six months if instituted for failure to comply with a subpoena or warrant. This act became effective in April 1998.

The new family support collection act requires the Department of Regulation and Licensing to collect social security numbers from all individuals who apply for new credentials. Applications from individuals who do not submit their social security number will be denied. The social security numbers collected may be disclosed only to the Department of Workforce Development for the purpose of enforcing the Family Support Collection Act, or to the Department of Revenue for the purpose of checking for tax delinquencies.

The new law, 1997 Wisconsin Act 191, is available in most public libraries and can be viewed on the Internet at <http://www.legis.state.wi.us/billtext/acts/97acts.html>.

Administrative Warnings May be Issued Under New Law

Examining boards, the department and other regulatory authorities are authorized to issue administrative warnings under a new law, 1997 WI Act 139 effective May 5, 1998. An administrative warning may be issued to close an investigation if a regulatory authority determines that no further action is warranted because the complaint involves a first occurrence of a minor violation and the warning adequately protects the public.

Under the law, an administrative warning puts the professional on notice that if the misconduct is repeated, the incident that was the basis for the warning can be used to prove that the person warned knew the conduct was prohibited. A warning is not discipline and may be issued without a formal complaint or a hearing.

A credential holder may have a warning reviewed before the department or board that issued the warning. The Act requires the department to promulgate rules establishing uniform procedures for administrative warnings. 1997 Wisconsin Act 139 is available from the department and can be viewed on the Internet at <http://www.legis.state.wi.us/billtext/acts/97acts.html>.

Medical Examining Board's Advisory Councils

The following is the current membership and expiration dates of the members of the advisory

councils to the Medical Examining Board. If you would be interested in serving on one of these councils, please submit your name and résumé along with at least one letter of reference to: Chairman, Wisconsin Medical Examining Board, Department of Regulation and Licensing, P.O. Box 8935, Madison, WI 53708-8935.

Respiratory Care Practitioner's Council

David L. Ballard, Hartland, term expires 07/01/2000

Peter Sanville, Stoughton, term expires 07/01/2001

Gloria A. Beaser*, LaCrosse, term expires 07/09/99

Basil Varkey, M.D., term expires 07/01/99

Occupational Therapy Examining Council

Wayne Winistorfer, O.T., Oshkosh, term expires
07/01/99

Joann G. Jansen, Madison, term expires 07/01/2001

Sandy Decker, O.T.A., Green Bay, term expires
07/01/2001

Vacancy*

Vacancy*

Physician Assistants Council

Glen D. Brandt, P.A., Madison, term expires 07/01/2000

Susan Skaros, P.A., Milwaukee, term expires 07/01/2001

Jerry Noack, P.A., Madison, Appointed by the Dean of

Allied Health of the UW for an unspecified term

Bob Aidrich, Marshfield, 07/01/99

Bernard Saffold*, Milwaukee, term expires 07/01/2000

Vacancy

*Public Member

As a result of the passage of 1997 Wisconsin Act 175, the Podiatrists Affiliated Credentialing Board was created. This means that the Podiatry Examining Council under the Medical Examining Board has been eliminated. Governor Thompson has appointed the new Podiatrists Affiliated Credentialing Board Members. Pursuant to the language in the law, the Board Members will begin to serve upon their appointment but still requires Senate Confirmation:

Lisa G. Reinicke, DPM

1826 Eastwood Ave

Janesville, WI 53545

Term 8/25/98 - 7/1/2003

Mark E. Pfeifer, DPM

Lakeland Medical Center

W3985 County Road NN

Elkhorn, WI 53121-1002

Term 8/25/98 - 7/1/2001

P Michael Jacobs, DPM

N5098 Greens Coulee Rd

Onalaska, WI 54650

Term 8/25/98 - 7/1/2000

Debra S. Truckey, Public Member

2314 St. Clair Street

Racine, WI 53402

Term 8/25/98 - 7/1/2002

**The Role of Public Members of
Licensure Boards**

by

Lorayne Ritt

Public members have served on licensure boards of the Department of Regulation and Licensing since 1975. In 1983, Wisconsin Act 403 increased the number of public members on licensure boards to two. Public board members are initially inexperienced in the profession being regulated and not connected to the regulated profession or licensed by the board on which they serve.

Public members represent the consumer perspective. Contributing to board decisions with the consumer's interest in mind provides balance to a board to prevent bias toward the profession being regulated.

Consumer protection is the basis of regulation. The public member must always be aware of the consumer advocacy role which is theirs. Technical expertise is provided by the professional members while public members provide consumer perspective. Together they balance consumer interest with safe, competent service.

The public member tries to work toward mutual respect and good working relations with other board members. It is also incumbent on the public member to make other board members aware of the concerns of the people we represent.

Discipline

ROGER GREMMINGER, M.D.

MENOMONEE FALLS WI

EDUCATION REQUIRED

Did not take adequate history to fully assess a patient; did not perform a sufficient physical examination to permit him to fully evaluate the patient's condition; failed to recognize that a prothrombin time of 18.9 put the patient at risk of a bleed. Reprimand. Ordered to take 40 hours of continuing medical education courses. Ordered to

pay costs of \$300. Effective 4/22/98. Sec. 448.02(3), Stats. Med 10.02(2)(h) Case #LS9804222MED

JILL PAMELA HARMAN, M.D.

NEENAH WI

REPRIMAND

Interpreted an x-ray as revealing a fractured humeral head. Later that day another physician interpreted the x-ray as showing both the fracture that Dr. Harman noted and an anterior inferior dislocation of the shoulder. Orthopedic surgeon corrected the dislocation. Ordered to complete continuing education in the areas of orthopedic diagnosis and risk management by 1/23/99. Ordered to pay costs of \$200. Effective 7/23/98. Med 10.02(2)(h). Case #LS9807238MED

PHILIP A. MCCREEDY, M.D.

GOLDEN CO

SURRENDER

While performing breast and pelvic exams, and during deliveries of babies, engaged in inappropriate behavior and inappropriate contact with patients. Was immediately dismissed from the hospital and his privileges were revoked. He did not renew the registration of his Wisconsin license when it expired on 11/1/97 and was prohibited from practicing since 11/1/97. Also licensed in Arizona, Arkansas, California, Colorado, Indiana, Iowa, Kentucky, Maine, Massachusetts, New Mexico, North Carolina, Vermont, Washington, and Wyoming. Effective 5/21/98. Med 10.02(2)(h) Case #LS9805213MED

GEORGE BOLEK, M.D.

MUSKEGO WI

LIMITED

Patient records did not include comprehensive medical histories or treatment plans. Prescribed controlled substances to patients and throughout treatment it did not appear that the function or comfort of the patients improved. Ordered to pass a course in proper prescribing of controlled dangerous substances. Reprimanded. Ordered to pay costs of \$600. Effective 3/26/98 Med 10.02(2)(h) Case #LS9803265MED

RAYMOND BAUER, D.O.

SAUKVILLE WI

REPRIMAND

Failed to make a timely diagnosis and to make provisions for prompt treatment of a perforated sigmoid colon. Ordered to attend 40 hours of Category I continuing medical education courses on the diagnosis and treatment of gastrointestinal emergencies. Effective 3/26/98. Sec. 448.02(3), Stats. Med 10.02(2)(h) Case #LS9803264MED

ALICE M. LEE, M.D.

WAUSAUKEE WI

LIMITED

A review of her prescriptive practice and recordkeeping revealed a lack of a recorded assessment, diagnosis or plan of treatment justifying the long term use of controlled substances; failure to document prescription orders or refills in the patient record; failure to document the evaluation of the effectiveness of the analgesic therapy or an assessment of the patient's functional ability over time. Ordered to complete educational programs. Reprimanded. Ordered to pay costs of \$400. Effective 6/24/98. Med 10.02(2)(h) Case #LS9806243MED

EDWARD B. SNYDER, M.D.

ESKO MN

SUSPENDED INDEFINITELY

The Minnesota Board of Medical Practice issued an order imposing discipline on his Minnesota license. The factual basis for the imposition included allegations of boundary violations, chemical dependency and mental health impairment. Effective 5/21/98. Med 10.02(2)(q) Case #LS9805224MED

JOSEF F. VOSMEK, M.D.

STRUM WI

SUSPENDED

Engaged in the practice of medicine and surgery when not currently registered. Suspended for 90 days or until he presents evidence satisfactory to the board that he has met all requirements for renewal of his registration, whichever period of suspension is greater. Effective 4/22/98. Sec. 448.07(1)(a), Stats. Med 14.06 and 10.02(2)(a). Case #LS9804223MED

RAYMOND S. KOZIOL, M.D.

SHOREWOOD WI

SUSPEND AT LEAST 5 YEARS

Dependent upon hydrocodone as a result of chronic pain. Self-prescribed by issuing prescriptions purportedly for family members; had the prescriptions filled at several pharmacies; then consumed the hydrocodone. Used names of several persons and had the prescriptions filled at several pharmacies, he was able to conceal his usage for several years. Sent letter of resignation to employer without arranging care for his patients. May apply for a stay of the suspension. Also limited. Ordered to pay costs of \$100. Effective 4/22/98. Sec. 961.38(5) and 961.43(1)(a), Stats. Med 10.02(2)(h). Case #LS9804224MED

DAREL C. ANGUS, M.D.

GREEN BAY WI

LIMITED

Beginning before 1995 and continuing to spring, 1998, routinely stocked and dispensed prescription drugs for patients. During that period of time he did not label medications; did not maintain a complete controlled substances log; did not maintain any biennial inventory. Dispensed medications in paper envelopes. Patient charts did not include patient complaints, physical exams, diagnoses, treatment plans for each office visit. He is ordered not to dispense, or maintain in his office, any controlled substance, including any manufacturer's samples. Ordered to pay costs of \$1800. Effective 9/24/98. 21CFR s. 13.0421(a). Med 10.02(2)(h)(p)(z)(za) and 17.05(1)(a)(2) Case #LS9809241MED

MICHAEL D. COLBURN, M.D.
ONALASKA WI

SUSPEND AT LEAST 5 YEARS

From 8/9/96 through 11/7/97, phoned in prescriptions for hydrocodone and codeine purportedly for his wife, using his wife's maiden name. Prescribed 2460 tablets at five different pharmacies over a 479 day period. Obtained the medication for his personal use. In March 1998 he relocated to Traverse City, Michigan where he is currently in treatment and is not presently practicing medicine. May apply for a stay of the suspension. Reprimanded. Ordered to pay costs of \$150. Effective 7/23/98. Secs. 961.38(5) and 946.41(1), Stats. Med 10.02(2)(p)(z) Case #LS9807237MED.

GERALD H. GAMMELL, M.D.
MINNEAPOLIS MN **SURRENDER**
On 1/15/97, the Minnesota board found that from 1982 to 1990, while in solo private practice, engaged in unethical and unprofessional conduct, improperly managing medical records and engaging in conduct with his patients that was sexual or could be interpreted as sexual. Also applied nontraditional treatment modalities on his patients, including past life regression therapy, holotropic breathwork, shamanism, releasement or exorcism, and extensive touching, which violated the standard of care for psychiatry and in some instances were harmful to patients. Voluntarily surrendered his license to practice in Wisconsin. He shall never reapply. Effective 6/24/98. Sec. 448.02(3), Stats. Med 10.02(2)(q). Case #LS9806242MED.

THOMAS SLOTA, M.D.
MILWAUKEE WI **REPRIMAND**
In reviewing a radiology report of a CT scan, he did not properly apprise himself of a statement by

the radiologist regarding a soft tissue density within the cecal area or of the radiologist's recommendation for further evaluation. Ordered to pay costs of \$150. Effective 8/26/98. Sec. 448.02(3), Stats. Case #LS9808264MED

EARL J. ROTH, M.D.
ANTIGO WI **SURRENDER**
Between 2/25/91 and 9/15/97 purchased large quantities of schedule III, IV and V controlled substances for personal consumption. During that period of time he received 34 shipments of controlled substances for which he destroyed the documentation. Also failed to record any dispensing. Effective 9/24/98. Sec. 961.38(5), Stats. 21 U.S.C. ss. 842(a)(5) and 843(a)(3). Med 10.02(2)(p)(z) Case #LS9809243MED

RAYMOND A. HUNTLEY, Respiratory Care Practitioner
APPLETON WI **SURRENDER**
On 2/10/95 was charged in Outagamie County Circuit Court with one count of sexual contact with a person who had not attained the age of 16 years, a class C felony, for having sexual contact on or about August of 1994 with a child 10 years of age. On 6/30/95 he was convicted upon his plea of no contest. Voluntarily surrendered his certificate. Effective 7/23/98. Med 10.02(2)(r). Case #LS9807236MED

BARBARANN WRIGHT, Respiratory Care Practitioner
GREEN BAY WI **LIMITED**
Suffered an hypoglycemic episode following a long history of insulin dependent diabetes. Ordered to take and pass the CRTT examination and be evaluated by a psychologist or physician. Effective 4/22/98. Med 10.02(2)(i) Case #LS9804225MED

TAMARA L. WRIGHT
BRISTOL WI **ADMINISTRATIVE INJUNCTION**
Telephoned pharmacists with prescription orders representing that the prescriptions were authorized by a legitimate prescriber when in fact they were not. Telephoning such prescriptions constitutes the practice of medicine. She is not credentialed to practice any health care profession in the state of Wisconsin. Effective 3/25/98.

Department of Regulation and Licensing
Medical Examining Board
P.O. Box 8935
Madison, WI 53708-8935

RETURN SERVICE REQUESTED

REGULATORY DIGEST

Bulk Rate
U.S. Postage
Paid
Madison, WI
Permit No. 1369

Telephones

Automated Phone System for the Health Professions: (608) 266-2811

Press 1 **Request Application**

Press 2 **Status of a Pending Application**

Press 3 **Complaint Filing Information**

Press 4 **Verifying Current Status of a Credential Holder**

Press 5 **Name or Address Change**

Need a Duplicate License

Request a Letter of Good Standing

Press 6 **Repeat Menu Choices**

FAX: 608-261-7083

Verifications

All requests for verification of license status must be in writing. There is no charge for this service.

Endorsements

Requests for endorsements to other states must be in writing. The cost is \$10. Please make check or money order payable to the Department of Regulation and Licensing.

1999 Meeting Dates

January 19-20, February 23-24, March 24-25,
April 20-21, May 18-19, June 22-23, July 21-22,
August 24-25, September 22-23, October 19-20,
November 16-17, December 14-15.

Visit the Department's Web Site

<http://badger.state.wi.us/agencies/drl/>
Send comments to dorl@mail.state.wi.us

Digests on Web Site

September, 97 June, 98

Wisconsin Statutes and Code

Copies of the Medical Statutes and Administrative Code can be ordered through the Board Office.

Include your name, address, county and a check payable to the Department of Regulation and Licensing in the amount of \$5.28. The latest edition is dated June, 1998.

Change of Name or Address?

Please photocopy the mailing label of this digest, make changes in name or address, and return it to the Department. Confirmation of changes are not automatically provided.

WIS. STATS. S. 440.11 ALLOWS FOR A \$50 PENALTY TO BE IMPOSED WHEN CHANGES ARE NOT REPORTED WITHIN 30 DAYS.

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